

COURT OF APPEALS  
DIVISION TWO  
OF THE STATE OF WASHINGTON

FILED  
COURT OF APPEALS  
DIVISION II

2022 SEP 23 PM 2:15

STATE OF WASHINGTON

BY  DEPUTY

STATE OF WASHINGTON

Respondent,

v.

Thelma Gail Winger  
(your name)

Appellant.

No. 56514-5-II

STATEMENT OF ADDITIONAL  
GROUNDS FOR REVIEW

I, Thelma Gail Winger have received and reviewed the opening brief prepared by my attorney. Summarized below are the additional grounds for review that are not addressed in that brief. I understand the Court will review this Statement of Additional Grounds for Review when my appeal is considered on the merits.

Additional Ground 1

see attached

Additional Ground 2

see attached

If there are additional grounds, a brief summary is attached to this statement.

Date: 9-22-22

Signature: Thelma Winger

#### Additional Grounds 1

No proper representation: In the course of 4 years I went through two public defender's. Neither would submit vet records to the court for Pearl the cat that I gave to them. I asked for a change of venue it was never brought forward in court. I requested a change of venue for a fair trial as well.  
Under the Sixth Amendment.

#### Additional Grounds 2

No expert witness for defendant  
Expert witness resided in IL and during COVID prosecutor attempted to block him from participating through zoom. He was elderly and sickly and prosecution was trying to force him to fly out here. The case drag on for so long that he was practically on his death bed and couldn't be present.

#### Additional Grounds 3

##### Prosecutors Expert Witness

Veterinarian Maci A. Paden ,DVM is currently under investigation with the State of Washington Department of Health. Case # 2022 - 5095VT

I adopt all the grounds raised in the following brief.

Thelma Paul Winger

No. 56514 - 5 - II  
Thelma Gail Winger

**Issues with Animal Cruelty Cases**  
**& Specifically Mason Co Sheriff's Dept.**

Ultimately, it's important to ensure that animals are not cruelly treated and it's equally important that people are not cruelly treated in the process of protecting animals. Right now the system is unclear and extremely punitive to our most vulnerable populations, which are most at risk of getting in over their heads with caring for animals. Many, if not most times, a run in with animal control ruins their lives and livelihoods, exacerbating existing issues and creating more. We need a full review of how we do animal control in this state and in Mason County in particular.

**Critical issues experienced with the Mason County Sheriff's dept:**

- ***Lack of training:*** Policies and Procedures followed by our Sheriff's office haven't been updated to include training of officers with regard to animal welfare and still reference an active, funded Animal Control dept., which no longer exists. Do you or yours have experience with this?
- ***Lack of transparency in oversight*** of the Sheriff's office. Who is a citizen to go to with a complaint now against the Sheriffs? What policies are in place regarding whistleblowers because many people are afraid of retaliation? Have you suffered as a result or know others who have?
- ***Lack of due process/constitutional rights violations.*** Example: Sheriff's dept employees show up without proper warrants, display hostile attitudes and exhibit punitive behavior when citizens ask that their rights be adhered to, and just cause be shown through the warrant writing and approval process. Here are some examples in our two highlighted cases, but add yours in your letter if you have them.
  - Specific to B & D's case and documented on video<sup>1</sup>:
    - ***Paperwork*** by the Sheriff's office when they are required to provide it to access the property is incomplete, an obvious duplication of another warrant with some of the old data still in it, and/or has the wrong info stated on it.
      - Initial warrant showed an incorrect address. Lead Deputy, Cpl Anderson states, on video, that they will search anyway regardless of the error.
      - There is no discernible name of a judge on the warrant - just an illegible scribble for a signature.

---

<sup>1</sup> Britas videos are unlisted right now and only viewable with these links  
<https://youtu.be/G3ggLwQ69Vw> - 6 hours  
<https://youtu.be/EE5jeZp2vcc> - 28 minutes

- Initial warrant stated the search was also for illegal firearms when the referenced charges only regarded animal welfare. There was no probable cause to search in regard to firearms. Cpl. Anderson exclaimed "Oh, it's a typo" on film. Homeowners requested the warrant be revised/corrected, with pushback from Cpl Anderson, and had to wait about an hour to get a new warrant.
- The corporal asked that the initial warrant provided be given back to him. Owners were left with it only being read aloud on video as evidence. The second warrant was also requested to be returned from the owners to the corporal and that was refused. Why would they ask for these documents, which are the receipts of the owners, to be returned? Are they getting ready to lose them?
- None of the paperwork with requests for changes to the farm or warrants were done with legal service and signing for receipt of documentation.
- Before the revised warrant was issued, deputies and the veterinarians trespassed onto neighboring properties, without express consent of the owners, to view the subject property.
- After the "corrected" warrant was issued, deputies and the vet (on video) searched an outbuilding on one of those neighboring properties. It was not listed on the warrant.
- Attitudes and communication with this Sheriff's department throughout the documented encounter were completely hostile, disrespectful and failed to meet policies and procedures set forth by the Mason County Sheriff's Office.
  - The Cpl. Anderson refused to speak directly to the actual owner of the farm and livestock (B), focusing on the male partner (D) who runs the day-to-day work on the farm but doesn't own any of the property.
  - Once a witness who was there identified himself as a former law enforcement officer and the president of the Mason County Farm Bureau, the officers' tones changed significantly, reverting back to the surly attitudes once he had to leave several hours later. All this can be seen on the live-streamed video and on the body cam footage of the witnesses who gathered on the property in support of the owners.

- Lack of transparency: We have no clear understanding of what laws, what standards are being used to hold citizens to account with regard to animal control. How can they be meted out fairly, equitably without transparent standards? How can they ensure that one group of citizens, say organic farmers, are not held to inappropriate standards if we are unable to find such standards in any forms/documents they provided in either of these cases in point?
- Specific to T and P's case:
  - Started when T was given a retired thoroughbred horse. She tried to maintain her and was actively attempting to get help to get the correct feed, etc, for the horse. She invited a coworker over to see the horse and get advice. The coworker offered to bring the horse to her property for a week to see how she was doing, knowing T didn't have money to pay for boarding and never quoted a price. This woman then asked them to help pay for the very expensive care of the old horse, which triggered PTSD and mental health issues, including having just gotten back from identifying her dead mother's body. The woman tried to get them to put together a plan of how to have them pay for the care, but they were dealing with a family emergency and other issues, including loving the horse. They were told they need to pay for feed, etc and to come get the horse and sign that they understand the care that the horse requires. A couple days later P went to get the horse after borrowing a horse trailer and truck to transport her home to their stable.
  - T & P were hit with animal cruelty charges initiated by the owner of the boarding stable's social media blitz condemning T & P at that time. Upon investigating this the Sheriff's department seized only 10% of the animals including 3 dogs, the horse, a special needs support cat for the child with mental health issues (who was adopted with Feline AIDS), doves and turtles yet none of the other animals in the house. Jan 2022, T & P were given "lifetime bans" upon owning animals and they had to give up the remainder. These animals had been with them since 2018 with no well checks or anything since the original seizure. During each of the visits from the Sheriff's deputies, they told them, "We can do this the easy way or the hard way. If you allow them to be taken now this is the easy way" (they kept getting called by people in the community with their

harassment and kept coming over). The officers only gave them a couple weeks to have the animals gain weight and each time they came they witnessed the animals either being fed or with food in their bowls. They still took the animals and T & P still ended up with 4 felonies and a gross misdemeanor each.

- T & P were trying to get the animals seen by a vet and get the horse's diet attended to when all this went down, but due to poverty they were unable to get a vet to visit, yet still attempted to remedy the situation. (T worked 20 hrs/week and they received SSI for the child's disabilities and P had just quit his job to join the Airforce and was supposed to go to bootcamp in a couple weeks when all this went down, which he no longer was able to do. He's now not eligible.) None of this was considered by the Sheriff's dept as they searched the entire house and stable, traumatizing the whole household.
- Mental health issues were never brought into consideration. The sheriffs knew the issues with the mental health disability of T's son, as they'd been called in before on numerous occasions to help T & P with him. T is a military vet with documented PTSD, anxiety and depression. This was not brought out in the trial or in any of the proceedings. She begged for both mental health and military court and it was never allowed.
- They have been fighting to try to get adequate representation from the state for years and this has gone on since April, 2018. Both now have felony convictions (in appeal).
  - During this case severe harm has been dealt to the family because of the lack of a "quick and fair trial". They have been unable to leave this county and move and their lives were blown up. They sent the kids away then punished by the courts who tried to say they kidnapped the children they tried to protect. They now all have serious mental health issues and continue to deal with the harm inflicted upon them.
  - During their trials the court system deliberately destroyed evidence (emails showing personal relationships between the vets and the deputies were deleted even while the trial was actively going on) and the judge refused to acknowledge this Brady violation. In addition the public defense attorneys changed on multiple occasions and they weren't informed they had a new defense attorney.

- Their children had to go live with others. The animal case flowed into an alleged “child kidnapping” charge that the state then dropped into “custodial interference” with a no contact order between T and her son. This happened when T let the kids go to live with a friend, who was out of state. The state never served her with the “parenting plan” they said she violated. The son was already diagnosed with behavioral/mental health issues and this caused now all of them great distress including suicidal ideation by T and the daughter directly as a result of this animal control case, who didn’t have mental health issues prior to this. Thankfully the children are back now with T & P, but the situation continues to be traumatic. This lingers on with a molasses slow court system and continued harassment by people and other kids in the community. Both parents are working on appeals with public defenders as they have no money to throw at this to make it go away.
- T and P both formally requested that they work with an appellate lawyer from outside of this county. They continue to receive harassment by both the law enforcement and other residents of this county who tried them in the “court of FaceBook”. They were assaulted by a community member in November, 2021 who quoted a story on FB about the animal case. P had to then fight a disorderly conduct charge against him when HE was the victim of the assault. They do not feel safe calling any law enforcement in this county to help them if they ever get in trouble as they feel persecuted by them. T has been targeted in various vehicles in multiple locations, even while parked legally, by law enforcement. T, by the way, is black.

**Significant issues regarding the presiding veterinarian in both cases include failure to follow basic standards of care, conflicts of interest and an obvious lack of expertise regard the animals examined.** In the case of B & D:

- ***Lack of basic hygienic standards used by vet*** during the visit to the farm. Veterinarian didn’t change gloves between examining the animals. Over the course of several hours she handled, inspected and dug through the feces of multiple species of animals and a deceased chicken that had been killed by a predator, all without changing gloves. Vet refused, on camera, to change her gloves before inspecting the pets (including two already under the care of another veterinarian) after the farm animals.

- ***Vet asked for certain animals to be surrendered to her, and her clinic***, which would get her animals without having to pay for them, which is a conflict of interest because her agency personally benefits from the surrender or seizure of any animal.
- The vet is associated with a vegan, anti-meat, anti-farm animal rescue. There is an obvious conflict of interest for this vet to be inspecting a farm. This can be seen on the website for Pasado Safe Haven, which doesn't even consider having pets as animals ethical. ([www.pasadosafehaven.org](http://www.pasadosafehaven.org))
- The complainant came with the vet and was given full access to the property as part of the investigation, but didn't disclose her identity at the time, and even covered her name tag with tape.
- The ***"vet report"*** given to the owners (not served) and to which they are now being held to comply (not via a court order, but through continual, harassing visits and phone calls from Cpl Anderson) ***is not an actual report***.
  - Fails to cite any specific illness, injury or suffering to justify the requested improvements required to prevent seizure of the animals
  - Fails to cite any standards, codes, regulations or laws that the homeowners are required to comply with regarding animal welfare. Are the supposed requirements a petting zoo wish list, or necessary to have for a working farm?
  - Recommends inappropriate "improvements" which would actually be detrimental to specific animals (i.e. a 2 foot deep duck pond for a breed of ducks that cannot swim until maturity).
  - "Compliance" inspections by Cpl. Anderson based on this "report" are completely subjective as he lacks any means or training to verify the work done is in accordance with any standards and typically end in him saying, "Looks better."
- In the case of T & P
  - Emails showing personal relationships between the deputies and the vets from Pasado were deleted during the trial so they couldn't be used as evidence.
  - While on stand the vet admitted they googled to find standards of care that they were using to say that T & P were negligent.
  - Inconsistencies in alleged concern: if they were so concerned about T & P owning animals, why didn't the vets have the sheriffs take all the animals away at that time, in 2018, rather than waiting until Jan, 2022?

In your letters or emails, express concern for the lack of accountability and transparency. Express your outrage over the obvious violations of constitutional rights. Ask how can deputies know the standards when they aren't clear to citizens and those

same deputies lack proper training to recognize violations of them? How can you, as a citizen, know you are following “standards”? These lack of specific standards, statutes or codes created a system that is subjective and one person will judge differently than another.

Violations are arbitrarily determined. We've really tried to find such standards everywhere. If they exist they shouldn't be this hard to find and it's pretty much given that no one knows what they are so can assure they are in compliance with them.

Mason County residents should have a respectful, transparent and trained Sheriff's Dept. It currently appears they are out of compliance with their own policies. Can they show evidence of officers having been training to standards they are holding people accountable to beyond the officer who responds' arbitrary discretion? (ie- Officer Prigger said when asked what her qualifications are to determine a pig looks “skinny”, “I've been around animals all my life.”) (on video)

**Demand clear, accountable and informed policies and procedures with regard to Mason County's Sheriff Department. Demand a trained and respectful Sheriff's department. Ask the county be held responsible to ensure fair and speedy trials, even for people who have to use a public defender.**

Ultimately, it's important to ensure that animals are not cruelly treated and it's equally important that people are not cruelly treated in the process of protecting animals. Right now the system is 1) unclear, and 2) extremely punitive to our most vulnerable populations. They are most at risk of getting in over their heads with caring for animals. Many if not most times a run in with animal control ruins their lives and livelihoods, exacerbating existing issues and creating more. We need a full review of how we do animal control in this state and in Mason County in particular.

One of the sample letters is very long. The intention is for you to find the parts that are best for your personal concerns and cut the rest, tailoring the concerns to the agency/audience to whom you are addressing. Add whatever else you have. You will need to “copy all” and write it from your own document editor, Google docs or paste it into the email. The second is a more general letter, simpler and easier for people at a wider level saying you can provide specifics if they need/want. (If they do, then reference this document's content.)

We plan to start sending letters on either the 21st or 22nd, but if you're reading this after that date, please go ahead and send your letters!

The list of people/agencies to send this letter to is here and consider if you want to send the same letter to all of them as different people have different roles. We are trying to send this far and wide so it will have the most impact:

[https://docs.google.com/spreadsheets/d/1W\\_INQofqZSv191yrHkbnzusQEVgYH3\\_kZF356A5Uy7M/edit?usp=sharing](https://docs.google.com/spreadsheets/d/1W_INQofqZSv191yrHkbnzusQEVgYH3_kZF356A5Uy7M/edit?usp=sharing)

The timeline we're shooting for is thus:

Send all letters on April 21 via snail mail and April 22 via emails so that all should be received either Friday or Monday morning on April 25. Continue to send as other people sign on.

We will send you a reminder to "go" on Friday, April 22.

Thank you again for being an active, concerned citizen. That's how we, as a people, can confront bureaucratic authority, through this kind of action.

NOW WHAT?!? Do you have others who might like to send a letter, too? Do you know of anyone else who might have knowledge of further issues with the Sheriff's office? Send them this info.